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## Hoekstra: Correcting the Record on “Snap FISA”

WASHINGTON, D.C. – U.S. Rep. Pete Hoekstra, R-Mich., the top Republican on the House Permanent Select Committee on Intelligence, released the following transcript of an exchange between former Justice Department FISA official James Baker and him regarding how fast an emergency order can be obtained under the old FISA law. House Majority Leader Steny Hoyer took a quote from Baker at the Sept. 18, 2007 hearing out of context in talking points released to House Democrats.

Mr. HOEKSTRA. You also testified that FISA provided timely and actual intelligence when requested. You also used some words that, you know, “it takes a little time,” I wrote down. I don’t know what exactly your words were, but I think it was something like it goes really fast when everything is ready.

What does that mean, “everything ready”?

Mr. BAKER. Well, I have been thinking about that during the break, Mr. Hoekstra. As I testified, when you were Chairman, I testified about this process at length, and I think it took us a while, I think, actually to get through and for me to give a full and complete—what I believe at the time was a full and complete explanation of how the emergency process works. The emergency process, there are complications to it. I don’t mean to sit here today that you push a button, or it is not like click “buy now” on the Internet. It does take time.

So the Intelligence Community has to do their investigation, make a judgment about what targets they want to pursue. When they have done that, and when they have reached a point where they realize that they need to do collection immediately, they start talking to us.

Then we work through the legal facts, the legal issues, the factual issues, at the same time that they are dealing with the technical stuff that they need to do. Then when all that is ready and they tell us we are ready to go, and they say, “Yes, we resolved all legal issues, we have no problem, call the Attorney General,” calling the Attorney General and getting an answer back, that is not like super time-intensive, unless it is a complicated case.

Oftentimes we will go down and prebrief the Attorney General what the case is all about, what the request will be, so that when the call comes it can happen quickly.

Mr. HOEKSTRA. I think that is the reason I came back to this is, I don't specifically remember your testimony, but I agree, the Justice Department can put in approval processes that are very quick, because you have got a number of people that can approve these emergencies. It is a phone call, you can do the prebriefing, and so when you finally get the 1- or 2-inch packet of information that the

Justice Department attorneys have worked on with the Intelligence Community, it is kind of like, yes, it is done, you know it is coming and those types of things, **but there may be extensive work required to get to that point.**

**Mr. BAKER. That is what I tried to suggest in my opening remarks, because none of this is easy, none of this is cost-free.** There are lots of people working all the time, and have been for lots of years, on this stuff. We have done everything we can to expedite it. These things are posted on a secure web site. We look at them.

There is lots of things posted and back and forth on the Intelligence Community, so everybody on both sides, DOJ and the Community, worked really, really hard to cut out unnecessary steps and unnecessary delays.